

373/

06-18-04 03:04pm From-MARTIN &amp; FERRARO LLP CA

3102862795

T-778 P.01

F-790

**RECEIVED  
CENTRAL FAX CENTER**

JUN 18 2004

**MARTIN & FERRARO, LLP**  
1925 Century Park East, 17<sup>th</sup> Floor  
Los Angeles, California 90067Facsimile  
(310) 286-2795Telephone  
(310) 286-9800**OFFICIAL****FACSIMILE TRANSMITTAL****TO:**

Name: Examiner Uyen Ho/Group No. 3731

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 10/090,506

Gary K. Michelson

Filed: February 27, 2002

MILLING INSTRUMENTATION AND METHOD

FOR PREPARING A SPACE BETWEEN

ADJACENT VERTEBRAL BODIES

Attorney Docket No. 101.0054-03000

Customer No. 22882

Confirmation No. 7817

**FROM:**

Name: Amedeo F. Ferraro

Phone No.: 310-286-9800


No. of Pages (including this): 12

Date: June 18, 2004

Confirmation Copy to Follow: NO

**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; \$1,454.00 total fee for \$950 three-month extension and \$504 additional claims to be charged to Deposit Account No. 50-1066) and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on June 18, 2004.



Amedeo F. Ferraro

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

FORM PTO-1083

Attorney Docket No.: 101.0054-03000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/090,506

Filed: February 27, 2002

For: MILLING INSTRUMENTATION AND  
METHOD FOR PREPARING A SPACE  
BETWEEN ADJACENT VERTEBRAL  
BODIES

Confirmation No.: 7817

Art Unit: 3731

Examiner: Uyen Ho

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated December 18, 2003 in the above-identified application.

☐ No additional fee is required.☒ Applicant hereby requests a three-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	48	-	20	28	LG=\$18 SM=\$9	\$18	\$ 504.00
INDEPENDENT CLAIMS FEE	2	-	3	0	LG=\$86 SM=\$43	\$86	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$290 SMALL ENTITY FEE = \$145		\$ 0
TOTAL							\$ 504.00

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ A fee in the total amount of \$1,454.00 to cover the \$950 three-month extension and \$504 additional claims is to be charged to Deposit Account No. 50-1066.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the \*\*\*-month extension of time fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLPBy: Amedeo F. Ferraro  
Registration No. 37,129

Date: June 18, 2004

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030